

LEGISLATIVE SUMMARY FOR: MAY 5, 1997

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LAST WEEK:

SENATE APPROPRIATIONS COMMITTEE MARKUP OF EMERGENCY SUPPLEMENTAL FUNDING-

On Wednesday, April 30th, the Senate Appropriations Committee (Chairman Ted Stevens, R-Alaska.) marked up the FY'97 supplemental. The bill, as amended by the Committee includes:

- \$161 million for the Emergency Watershed Program (a \$10 million increase from the House mark)
- \$77 million for the Emergency Conservation Program (a \$12 million increase from the House mark)

The Senate bill also provides for a \$9 million tree assistance program to help small orchardists to replace or rehabilitate trees and vineyards that have been damaged.

CRP EXTENSION PASSES THE HOUSE-

Legislation to extend some CRP enrollments for an additional year passed the House on Tuesday, April 29, by a 325 to 92 vote. H.R. 1342, introduced by Bob Smith (R-OR), would allow producers of some winter crops to receive a one year contract extension beginning in October. The bill also caps CRP enrollment for FY'98 at 30 million acres. It is unknown at this time if the Senate will act on similar legislation. The Administration opposes the bill.

AIR QUALITY STANDARDS-

The Clean Air, Wetlands, Private Property and Nuclear Safety Subcommittee (Chairman James M. Inhofe, R-OK) of the Senate Committee on Environment and Public Works, held a hearing April 29, 1997, on EPA's proposed air quality standards. The Chair stated that this was the fifth hearing the panel had held concerning the proposed standard changes. He further asserted a belief that the changes constitute an unfunded mandate. Witnesses included officials from state and local government, physicians, and other interest groups.

The American Farm Bureau Federation and the National Farmers Union both testified that farmers and ranchers have contributed to cleaner air by the soil and water conservation practices they have and are continuing to apply. Both organizations quoted Chief Paul Johnson from recent testimony on the agency's Air Quality Task Force. Robert C. Junk, representing the National Farmers Union voiced concern over increased air quality standards in light of the significant reductions in CRP. He said that the regulations should stay the same with increased funding for conservation programs. Bob Vice, of the American Farm Bureau Federation said he was concerned about the EPA study that states

that agriculture contributes 34.3% of air pollution. He asserted that much of the information used to set these standards was incorrect.

Concern was also expressed about the economic impacts of the proposed standards on small and minority owned businesses and public power companies. Witnesses claimed that the increased standards would have a disproportionate impact on these businesses.

WETLANDS REGULATIONS-

On Tuesday, April 29, the Water Resources and Environment Subcommittee (Chairman Boehlert, R-N.Y.) of the House Transportation and Infrastructure Committee held a hearing on recent regulatory and judicial developments in wetland issues. The purpose of the hearing was to allow the panel to investigate recent regulatory and judicial developments regarding the U.S. Army Corps of Engineers (Corps) and the Environmental Protection Agency's (EPA) wetlands programs -- primarily under Section 404 of the Clean Water Act. The hearing focused on the recently reissued and revised Nationwide Permitting process, and the recent lawsuit (American Mining Congress vs. Army Corps of Engineers) which invalidated the Corps' and EPA's Tulloch/excavation rule. The Tulloch rule ensures that discharged materials from dredged wetlands are reviewed under the current permitting process.

Chairman Boehlert stated that there needs to be an incentives-based approach to federal implementation of wetlands law. He also stressed the desire to see wetland mitigation banking in more widespread application. Robert H. Wayland, of EPA underscored the value of wetlands and the importance of protecting them. Mr. Wayland stated that the recent court invalidation of the Tulloch rule posed a major threat to federal implementation of the Clean Water Act. He said that the agency's have filed an appeal and a motion of stay in District Court. Don Young (R-AK) stated that the Tulloch rule should have been abolished by Congress rather than be addressed in the courts. He also criticized the agencies for not setting up a functional appeal system as directed by Congress. Michael Davis, Deputy Secretary of the Army stated that the administration has taken a fair, flexible, and effective approach in implementing existing law.

Chairman Boehlert ensured members of the Committee and witnesses that the 105th Congress would be rewriting Section 404 as part of a major effort to overhaul the Clean Water Act.

LEGISLATION OF NOTE-

The following bills were introduced of significance to NRCS and conservation:

Bill	Member	Purpose
S. 672	Stevens (AK)	Provides supplemental appropriations and rescissions for Fiscal Year 1997.
H.R. 1469	Livingston (LA)	Provides supplemental appropriations and rescissions for Fiscal Year 1997.

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THIS WEEK:

EMERGENCY SUPPLEMENTAL FUNDING-

Both the House and Senate are expected to act on bills to provide supplemental appropriations for natural disasters and defense operations in Bosnia this week. The Senate will likely begin debate and amendment of the measure today and continue consideration for much of the week. The House may take up their bill as early as Wednesday. A comparison of each chamber's bill in current form follows:

	House (H.R. 1469)	Senate (S. 672)
Emergency Watershed Program (EWP)	\$150.7 million	\$161 million
Emergency Conservation Program (ECP)	\$65 million	\$77 million
Caps CRP enrollment	YES (14 million acres for FY'97)	NO
Exempts some flood prevention projects from ESA	YES (may be removed from bill before floor passage)	YES
Floodplain Easements	Allows NRCS to fund up to \$10 million	Allows NRCS to fund up to \$10 million
Prohibits funding of Salmon memorandum of understanding	YES	NO
Rescinds funding for WRP	YES (\$19 million)	NO
Rescinds funding for the Fund for Rural America	YES (\$20 million)	NO

ENDANGERED SPECIES/FLOOD MEASURE TO RECEIVE HOUSE FLOOR CONSIDERATION-

A bill that would exempt some flood control projects from review under the Endangered Species Act could move to the House floor later this week. H.R. 478, sponsored by Reps. Wally Herger and Richard Pombo (R-CA) has drawn considerable criticism from administration officials and environmental groups. Similar language as contained in H.R. 478 has been included in the supplemental spending bills as well.

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LOOKING AHEAD:

USDA PHONE AND COMPUTER SYSTEMS-

Department Operations, Nutrition and Foreign Agriculture Subcommittee (Chairman Goodlatte, R-Va.) of the House Agriculture Committee will hold a hearing on USDA's information technology procurement practices. The hearing will focus on complaints about the Department's phone and computer systems. Witnesses have not been announced.

May 14 1:00 p.m. 1302 Longworth Building

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